



## Burundi

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Prior to the inauguration of a transitional government in November 2001, Burundi was ruled by an authoritarian military regime led by self-proclaimed interim President Pierre Buyoya, a former army Major who was brought to power in a bloodless coup by the largely ethnic Tutsi armed forces in 1996 and who abrogated the Constitution. President Buyoya held power in conjunction with a political power structure dominated by members of the Tutsi ethnic group. Since 1993 the civil war has caused thousands of civilian deaths and mass internal displacement. In July 2001, President Buyoya and the regional leaders signed an agreement to begin the 3-year transition period agreed to in peace negotiations on November 1, 2001. The two major armed rebel groups declined to join the peace process. A Transition Constitution was adopted in October 2001, and on November 1, 2001, Buyoya was sworn in as president; Domitien Ndayizeye, the secretary general of the predominantly ethnic Hutu opposition party FRODEBU, was sworn in as vice president. Under the agreement, Buyoya will serve as transition president for 18 months and then be succeeded by Ndayizeye, who will serve 18 months as transition president. Continued efforts to negotiate a cease-fire with the two largest rebel groups were unsuccessful. Political parties operated under significant restraints. The judiciary was controlled by the ethnic Tutsi minority and was not impartial or efficient.

The security forces were controlled by the Tutsi minority and consisted of the army and the gendarmerie under the Ministry of Defense, the judicial police under the Ministry of Justice, and the intelligence service under the presidency. The Government created the Guardians of the Peace, armed paramilitary civil defense units, to serve in Bujumbura, the suburbs of Bujumbura, and Bujumbura Rural, Ruyigi, Rutana, and Bururi Provinces. The civilian authorities did not maintain effective control of the security forces. Members of the security forces continued to commit numerous serious human rights abuses.

The country, which has a population of 6.4 million, was poor, and approximately 90 percent of the population was dependent on subsistence agriculture. Many internally displaced persons (IDPs) were unable to grow food and depended largely on international humanitarian assistance. The civil war has caused severe economic disruption, especially to the small modern sector of the economy, which was based mainly on the export of coffee, tea, and cotton. The country's GDP dropped from \$4.1 billion in 1998 to \$662.4 million in 2001, and wages have not kept pace with inflation. The Government continued its plans to privatize publicly-owned enterprises, but made little progress during the year.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens did not have the right to change their government. Security forces continued to commit numerous arbitrary and unlawful killings with impunity. The armed forces killed armed rebels and unarmed civilians, including women, children, and the elderly. Rebel attacks on the military often were followed by army reprisals against civilians suspected of cooperating with the insurgents. Impunity for those who committed serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability. There were credible reports of disappearances, and the security forces continued to torture, beat, rape, and otherwise abuse persons. Despite some improvements, prison conditions remained very poor in general and sometimes life threatening. Arbitrary arrest and detention, and lengthy pretrial detention were problems, and there were reports of incommunicado detention. The court system did not ensure due process or provide citizens with fair trials. The Government infringed on citizens' privacy rights. The Government controlled the media and restricted freedom of speech and of the press. It also restricted freedom of assembly, association, and movement. Since 1993 the civil war has caused thousands of civilian deaths and massive internal population displacement. The armed forces sometimes limited access to certain areas by human rights observers, citing security conditions. Violence and discrimination against women continued. The Government did not protect the rights of children, and child prostitution was a problem. Discrimination against persons with disabilities, indigenous Twa (Pygmies), and state discrimination against Hutus remained serious problems. Societal discrimination

between the Hutus and Tutsis continued. Incidents of ethnically motivated property destruction and killing occurred throughout the country. Soldiers required persons, including children, mostly Hutus, to perform forced labor. Child labor, including forced labor, was a problem.

Hutu rebels also continued to commit numerous serious abuses against civilians, including killings, rapes, theft, forced labor, and the abduction of children to serve as soldiers in the ongoing conflict between rebel and government forces.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

Security forces committed numerous unlawful killings of Hutu and Tutsi civilians following fighting with rebels, in reprisal for rebel attacks, and for suspected collaboration with rebels. Civilians also were killed during fighting between government and rebel forces (see Section 1.g.). There were reports of deaths and injuries caused by the explosion of landmines laid by both government and rebel forces. Government troops rarely were disciplined for killing civilians.

There were no developments in the July 2001 killings in the Kiriri section of Bujumbura Rural Province, where government soldiers killed 11 civilians in retaliation for the July 9 killing of a soldier who had threatened to rape a woman and who had attempted to extort money and beer.

Security forces violently dispersed demonstrations, resulting in numerous deaths and injuries (see Section 2.b.).

The Government's widespread use of torture continued; however, unlike in the previous year, there were no reports of deaths as a result of torture in custody (see Section 1.c.).

On July 18, the army arrested and killed one of its soldiers; subsequent media photos indicated that the soldier had been tortured, according to League Iteka, a local human rights nongovernmental organization (NGO). No action had been taken against those responsible by year's end.

Harsh prison conditions contributed to the deaths of prisoners from disease and malnutrition.

The reopening of the investigation into the 1993 assassination of President Melchior Ndadaye, which was scheduled to occur in January 2001, did not take place, and the Government was unlikely to take any further action in the case.

Comprehensive and accurate information about landmines was hard to obtain; however, there were credible reports of deaths and injuries during the year when landmines laid by government or rebel forces exploded (see Section 1.g.).

There were several high-profile killings by unknown actors during the year. For example, on January 4, the body of Elvis Makhado, a civilian member of the South African Protection Force, was discovered in the Kinama suburb of Bujumbura; the motive for the killing was believed to be robbery. On September 7, two unidentified gunmen killed Samuel Nimubona, leader of World Outreach Initiatives (WOI), which funded the private radio station Radio Ivyizigiro, in Bujumbura. There were no arrests in connection with the killings by year's end.

In November 2001, Kassi Manlan, the local representative of the World Health Organization (WHO), was killed in an apparent robbery attempt. On December 21, Manlan's assistant and four guards were arrested and charged with the killing; they remained in custody at year's end with no trial date scheduled.

Rebels killed numerous persons during the year and committed serious abuses against the civilian population (see Section 1.g.). There were no reports that rebel forces prosecuted or punished members of their groups who were responsible for the abuses.

In May members of the opposition party FRODEBU, which was mostly ethnic Hutu, attempted to kill Agathon Rwasa, the leader of the rebel National Liberation Forces (FNL); two FNL bodyguards were killed during the

attempt. There were unconfirmed reports that FNL spokesman "Anicet" subsequently was accused of complicity in the attack and starved to death on Rwasas's orders.

Media and NGO reports indicated that more than 200,000 persons, mostly civilians, have been killed in ethnic violence since October 1993. One international NGO estimated the number to be between 100,000 and 120,000. No credible countrywide casualty figures were available. The Government and security forces frequently prevented journalists and human rights observers from going to areas where casualties occurred, making it difficult to gather information about the perpetrators or the victims. Much of the unlawful killing and property destruction during the year was concentrated in the province around the capital and in the southern and eastern provinces of Bururi, Makamba, Rutana, and Ruyigi, as well as in the central and western Provinces of Muramvya, Mwaro, and Cibitoke.

On June 14, in Cibitoke Province, FNL rebels reportedly killed 13 civilians in a roadside ambush.

There were reports of mob violence and lynchings. For example, on May 9, in Kunama, Bubanza Province, residents reportedly lynched two people accused of practicing witchcraft and sorcery. On May 19, residents of Muramba, Bubanza Province, reportedly bludgeoned to death two bandits they accused of being affiliated with FNL rebels.

There were a number of urban bombings during the year. For example, on April 10, in the village of Murama, Muyinga Province, a grenade explosion reportedly killed 4 civilians and injured 13 at an outdoor café. On August 23, a grenade exploded in a crowded market in Bujumbura and killed 3 persons and injured 20 others. No group claimed responsibility for either incident, and no arrests were made by year's end.

In 2001 the Chief Prosecutor stated that the Government would create special ad hoc committees to investigate several urban bombing incidents in 2000 and 2001; however, no action had been taken by year's end, and no suspects had been identified.

#### b. Disappearance

Human rights groups reported that abductions and disappearances occurred during the year. Rebels were responsible for many of the disappearances; rebels kidnaped and raped women.

On January 18, Rwandan-backed rebels from the Congolese Rally for Democracy based in Goma (RCD/G) and agents of the Rwandan government reportedly deported members of the Banyamulenge refugee community. The Banyamulenge claimed the deportations were in retaliation for their support of dissident former RCD/G Commander Patrick Masunzu; the Government claimed the deportations were a result of Banyamulenge involvement in arms trafficking. According to the UNHCR, the Banyamulenge were deported safely from the country.

On May 18, rebels from the the Forces for the Defense of Democracy (FDD) killed two gendarmes and kidnaped Evariste Nduryibua, the Catholic Bishop of Ruyigi, near the Kiriba forest; the Bishop was released unharmed on May 23.

On May 27, in the town of Buhonga, Bujumbura Rural Province, two persons disappeared during an ambush perpetrated by rebels of unknown affiliation, according to League Iteka. No action had been taken against the responsible rebels by year's end, and the whereabouts of the victims remained unknown.

On August 29, in Makamba Province, armed intruders kidnaped a university student from his parents' house. The victim was later released after a ransom was paid. No action had been taken against the responsible kidnapers by year's end.

In November Human Rights Watch (HRW) interviewed a child soldier who had been kidnaped in November 2001 when he was 11 years old by FDD; he claimed to have been forced to work as a porter and to perform other general tasks for the FDD. The youth, who said he had tried to escape 4 times and repeatedly was beaten, reported that numerous other child soldiers between 14 and 16 years of age had been kidnaped and were working with the FDD.

There were no further developments in the August 2001 case in which rebels abducted four persons in Rumonge commune. Two of the four remained missing at year's end, and no action had been taken against the responsible rebels.

In November 2001, FDD rebels kidnaped approximately 250 Musema high school students; the remaining captive students were released in January.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Transition Constitution prohibits such practices; however, members of the security forces continued to torture and otherwise abuse persons. Persons died from torture during the year (see Section 1.a.).

On March 1, League Iteka released its annual report, which charged that torture remained widespread in the country. In June Human Rights Minister Alphonse Barabcirca reportedly said that torture remained a daily occurrence for citizens of the country.

In September Amnesty International (AI) released a report indicating that the torture of children in prisons was widespread. Based upon interviews that were conducted in March, the report detailed beatings using electric flexes, sticks and other weapons, beatings on the soles of feet and joints, and being tied in excruciating positions for long periods of time. The report noted that the children interviewed displayed scars consistent with their stories and that the practice of incarcerating children with adults exposed the children to sexual abuse while in detention.

In October 2001, the Burundian Association for the Defense of the Rights of Prisoners (ABDP), a local NGO, conducted a survey on the use of torture in Mpimba prison in Bujumbura and in the provincial prisons and detention centers in Rumonge, Gitega, Rutana, Muramvya, Ruyigi, Bubanza, Bururi, and Ngozi Provinces. The ABDP estimated that prison officials and security forces had tortured up to 45 percent of the prison population.

On June 4, in the town of Buhiga, Karuzi Province, soldiers tortured two persons, according to League Iteka. No action had been taken against those responsible by year's end.

No action reportedly was taken in the March 2001 case in which police in Gitega tortured Methode Nkurunziza, who later died; and in the May 2001 case in which a district administrator and three merchants in Bweru commune, Ruyigi Province, beat to death Emmanuel Ntikarahera.

Security forces beat at least one journalist during the year (see Section 2.a.).

Unlike in the previous year, there were no specific reports that members of the security forces raped women.

No action had been taken by year's end against the responsible parties in the following 2001 rape cases: the rapes by soldiers of numerous women following fighting in February and March between security forces and rebels; the April rape of an 80-year-old woman in Kinama by 3 soldiers and a civilian; and the July rape by soldiers of a 12-year-old girl.

Security forces used excessive force to disperse demonstrations, resulting in deaths and injuries during the year (see Section 2.b.) No action had been taken by year's end against the gendarmes who beat representatives of the G-8 Tutsi parties after preventing them from holding a press conference in May 2001 in Bujumbura.

Government troops used excessive force in areas where there were civilians and sometimes targeted Tutsi civilians (see Section 1.g.).

No action was taken against members of the security forces responsible in the following 2000 cases: The February beatings by police of several demonstrators; the February torturing to death of a domestic servant by a police officer; the May torture and decapitation of a man in the Kavumu regroupment camp; the November case in which government troops injured civilians after forcing them to remove foliage near a battleground; the December case in which security forces forcibly dispersed a group of students; and the numerous rapes of women in regroupment camps by government soldiers.

Impunity for those who committed serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability. The security forces did not cooperate with civilian prosecutors or magistrates, especially in investigations involving members of the security forces.

Several persons were killed or injured during the year when landmines laid by government and rebel forces exploded (see Section 1.g.).

Members of the Guardians of the Peace were unpaid and poorly trained; some were conscripted. There were credible reports that the Guardians of the Peace also recruited children to provide a quasi-police presence in public places such as markets; some of these children reportedly were sent to the front lines. Members of the Guardians of the Peace were required to turn in their weapons and ammunition at the end of their shifts and to account for any missing ammunition; it was unknown if this occurred in practice. There were credible reports that members of the Guardians of the Peace beat, raped, harassed, extorted money from and in some instances killed civilians.

Rebels killed, beat, and stole from civilians, and kidnaped and raped women (see Sections 1.b. and 1.g.).

On February 14, a 12-member commission released a report to the Minister of Justice, which noted severe overcrowding, dangerous conditions for both guards and inmates, deficiencies in both food and hygiene, and prolonged pretrial detention; however, a UNICEF report released in May indicated that progress had been made in terms of prison sanitary conditions, food and education programs.

Prison conditions remained harsh and sometimes life threatening. Conditions in prisons run by the Ministry of Justice continued to improve, largely due to efforts by the ICRC and a local NGO to improve sanitation, hygiene, medical care, food, and water. Prisoners still relied on family members to provide an adequate diet, and some prisoners died from disease and malnutrition. According to government officials, prisoners suffered from digestive illnesses, dysentery, and malaria. Severe overcrowding persisted. According to the Government, 9,013 inmates were held in facilities built to accommodate a maximum of 3,650 persons during the year. A local NGO estimated that the prison population was more than 12,000.

Women were detained separately from men. There were approximately 160 children in prisons during the year; juvenile prisoners were held with and often treated as adults. Children sometimes were subjected to torture or sexual exploitation. Political prisoners often were not held separately from convicted prisoners. Pretrial detainees generally were held in detention camps; however, some also were incarcerated with convicted prisoners.

International and local human rights monitors were permitted to visit most prisons and to speak with inmates; however, they were denied access in some cases (see Section 4). The ICRC reached a formal agreement in 2001 with the Interior Ministry regarding access to prisoners and detained persons, including persons detained for "reasons relating to the conflict." Similar agreements between the ICRC and the Ministries of Justice and Defense already were in place. The Ministries cooperated with the ICRC.

#### d. Arbitrary Arrest, Detention, or Exile

The criminal code prohibits arbitrary arrest, detention, and exile; however, the code was not respected, and security forces arbitrarily arrested and detained persons. The law requires arrest warrants, and presiding magistrates were authorized to issue arrest warrants. Police and gendarmes could make arrests without a warrant but were required to submit a written report to a magistrate within 48 hours. The criminal code requires that suspects appear in court within 7 days; however, not all aspects of the code were respected, particularly the section that requires that detainees be charged and appear in court within 7 days of their arrest. The U.N. reported some improvement in this area during the year. A magistrate could order the release of suspects or confirm charges and continue detention, initially for 15 days, then subsequently for periods of 30 days, as necessary to prepare the case for trial. The police were required to follow the same procedures as magistrates; however, the police have detained suspects for extended periods without announcing charges, certifying the cases, or forwarding them to the Ministry of Justice as required. Human rights organizations and the U.N. reported that incommunicado detention existed, although the law prohibits it. Bail was permitted in some cases. Limits on the length of pretrial detention were not respected.

The disruption of the political process and the generally poor security conditions severely impeded the judicial process. The majority of persons arrested on criminal charges since October 1993 remained in pretrial custody. The ICRC estimated that 2,000 to 3,000 persons were held in pretrial detention in the approximately 60 temporary detention camps run by the ICRC. Family members were expected to provide all food for detainees, although in some instances family members were not notified of the detention of their relatives. There were credible reports that some detainees were kept in these camps, which were designed for temporary use, for extended periods of time.

There were numerous instances of arbitrary arrest, including an arrest of a journalist and arrests of demonstrators during the year (see Sections 2.a. and 2.b.). Police also arrested a union member during the year (see Section 6.a.)

Opposition politicians also were arrested arbitrarily. For example, on October 6, the presidential police arrested Charles Mukasi, head of the opposition political party UPRONA, in advance of his party's national congress; he was released on November 29. On November 2, the Government placed under house arrest former President and PARENA party leader Jean-Baptiste Bagaza, who on June 29 had returned from self-imposed exile. Bagaza remained under house arrest at year's end.

The law does not provide for forced exile, and the Government did not use forced exile as a means of political control; however, many persons remained in voluntary exile in Belgium, Kenya, Tanzania, the Democratic Republic of the Congo (DRC), and elsewhere. Some senior authorities kept members of their families outside the country. Pancrace Cimpaye, the publisher of the FRODEBU opposition newspaper *La Lumiere*, remained outside the country at year's end. A significant number of self-exiled Hutu politicians moved back to Burundi during 2001; however, 31 reportedly returned only with the understanding that South African forces would protect them.

#### e. Denial of Fair Public Trial

The Transition Constitution provides for an independent judiciary; however, in practice the judiciary was not independent of the executive and was dominated by ethnic Tutsis. Many citizens have lost confidence in the system's ability to provide even basic protection. Reform of the judicial system was a priority of the 2000 peace accord, which has not yet been fully implemented. An international human rights organization estimated that ethnic Hutus accounted for only 10 percent of the country's lawyers and 5 percent of High Court judges; in lower courts, 10 percent of the judges were Hutu, although Hutus constituted an estimated 85 percent of the population. This discrepancy in part was due to unequal access to education, and in part to the conflict because a number of Hutu judges and lawyers were killed or fled the country. Most citizens assumed that the courts promoted the interests of the dominant Tutsi minority; members of the Hutu majority believed that the judicial system was biased against them. The Chief Prosecutor, who was Hutu, continued to lead the Government's effort to recruit Hutu attorneys living abroad to return to the country; during the year, 10 of those who returned were hired to serve as magistrates.

The judicial system was divided into civil and criminal courts with the Supreme Court at the apex. The armed forces had a separate judicial system, and there was a labor court.

The law provides for an independent military court system, which in practice was influenced by the executive and higher ranking military forces. Courts of original jurisdiction for lower ranking military offenders were called "War Councils," and one existed in each of the five military districts. A court martial tribunal of appeals heard appeals of war council decisions and also had trial jurisdiction for mid-ranked military offenders up to the rank of Colonel. Military courts had jurisdiction over military offenders and civilians accused of offenses implicating members of the military. Defendants were not provided attorneys to assist in their defense, although NGOs have provided some defendants with attorneys in cases involving serious charges. Trials generally were open to the public; however, they could be closed for compelling reasons, such as national security or "scandalous accusations against prominent people."

In all cases, the Constitutional Court has the ultimate appellate authority; however, in practice few cases of lower ranking offenders reached this level. Procedures for civilian and military courts were similar; however, military courts reached decisions more quickly, and trials generally failed to meet internationally accepted standards for fair trials.

Citizens generally did not have regular access to civilian and military court proceedings. Defendants in theory were presumed innocent and had the right to appeal; however, in practice the structure of the court system inappropriately limited the possibility of appeals of defendants accused of the most serious crimes, according to legal observers. While defendants had a right to counsel and to defend themselves, in practice few had legal representation. The civil court system functioned, but the lack of a well-trained and adequately funded judiciary limited expeditious proceedings.

The criminal code provides for suspects' rights to a lawyer before official charges were filed and during pretrial investigations. Authorities sometimes were unable to carry out their investigations or transport suspects and witnesses to the appropriate court because of lack of resources and poor security conditions. The government postponed fewer trials than in previous years.

According to the law, persons had the right to appeal to the military's court of appeal, then to the Supreme Court, and then to the President for clemency; however, this did not occur in practice.

The traditional Burundian court system, the "Bashingantahe," stressed settlement and reconciliation of disputes

and was recognized officially by the Government. A Bashingantahe opinion often was necessary before access was granted to the formal civil court system. The Bashingantahe was limited to civil and minor criminal matters and had no jurisdiction over serious criminal matters.

The Government held political prisoners. An international organization estimated that up to 2,000 of all convicted inmates were being held for political crimes; however, no reliable figures were available. Charges against defendants convicted for nonpolitical crimes sometimes were politically motivated. In December 2001, a commission of international legal experts arrived in the country to examine the judicial system and to identify political prisoners. An ad hoc committee has been formed but has yet to make any recommendations concerning the release of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Transition Constitution provides for the right to privacy; however, the authorities did not respect the law requiring search warrants. Security forces widely were believed to monitor telephones regularly.

There were numerous reports during the year that the army looted and destroyed houses whose occupants were accused of harboring rebels (see Section 1.g.).

During April and May, in Ruyigi Province, the army forced more than 30,000 civilians from their homes into "protection camps." Soldiers reportedly forced people to walk to the camps by firing rifles into the air. The army denied NGOs access to the camps to aid those suffering from malnutrition and disease. Camp residents, who were denied adequate food, sanitation facilities, and water, were allowed to cultivate their fields only 2 days a week. Soldiers reportedly stole livestock from the local population and cooked it with firewood obtained by chopping up desks stolen from a local school.

A National Assembly committee on human rights launched an investigation into the May 2000 arrest of seven residents of the Kavumu regroupment camp, one of whom was found decapitated; however, no findings were made public by year's end.

There were numerous reports of rebel forces imposing taxes on the civilian populace and confiscating property such as chickens, cattle, and other items of value (see Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The ongoing conflict resulted in numerous serious abuses against the civilian population by government and rebel forces during the year; generally no action was taken against the perpetrators. Government forces killed numerous Hutu and Tutsi civilians following fighting with rebels, in reprisal for rebel attacks, and for suspected collaboration with rebels. Abuses included civilian massacres, the looting and burning of houses, armed attacks on noncombatants, the conscription of children into the military, the displacement of sizable numbers of persons, and the rape of women. Security forces prevented international humanitarian aid agencies from reaching some areas of the country (see Section 2.d.).

On August 22, army spokesman Colonel Augustin Nzabampema warned that civilians who did not disassociate themselves from rebel forces would be considered enemies. On August 26, the Minister of the Interior and Public Security issued a statement in support of the warning and reiterated that civilians complicit with the rebels would be considered rebels themselves.

In February armed forces in Bubanza Province killed 30 Hutu civilians, many of whom were burned to death or killed with bayonets.

On May 12, in Giharo commune, Rutana Province, members of the army and Guardians of the Peace reportedly killed several civilians and looted and burned houses. HRW reported that on July 19, in Kiganda commune in Muramvya Province, the army killed approximately 30 civilians.

During an August 4 shootout with alleged FNL rebels in the town of Migera, Bujumbura Province, government soldiers reportedly killed 18 civilians who had just left a church mass.

HRW reported that on August 25, in Rutegama commune, Muramvya Province, the army killed more than 50 civilians.

In the largest reported massacre of civilians during the year, on September 9, army soldiers reportedly killed more than 500 civilians in Itaba commune, Gitega Province. On October 3, the Government arrested three army officers, who remained in prison at year's end, in connection with the massacre.

No action reportedly was taken against members of the security forces responsible for the following killings in 2001: The February killings in Kinama of more than 200 civilians accused of collaboration with the rebels; the February killings in Gishubi commune, Gitega Province, of more than 50 civilians by government forces; the March killings in Kanyosha commune of 2 women following a battle with rebel forces; the April killings in Ruburizi section of Bujumbura Rural Province of approximately 30 civilians; the June killing of 9 civilians in Bujumbura who were mistaken for rebels; the October 25 killings in Bubanza Province of at least 6 women and 2 children; the October killings in Muzinda, where government forces killed 11 civilians, including 2 students; and the November killings in Maramya, Bujumbura Rural Province, of 42 civilians.

The soldier arrested for the April 2000 killing of a local Bujumbura government official and four members of the official's family allegedly in retaliation for the killing of four soldiers by rebels remained in detention pending trial at year's end.

No action was taken, nor is any likely to be taken, against members of the security forces responsible for the following killings in 2000: The June killings of 69 persons in Taba commune, Gitega Province; the July killings of 53 persons by soldiers in Butaganzwa commune, and the August killings of 35 civilians by soldiers in Nyambuye zone, Bujumbura Rural Province.

In many cases, it was unknown whether government or rebel forces were responsible for the killings of civilians during the course of fighting. For example, on April 6, in the town of Gihanga, Bubanza Province, more than 20 civilians were killed during a conflict between government and rebel troops. On August 26, in the towns of Muyira and Nyambuye, Bujumbura Rural Province, 30 civilians, including 17 women and 7 children, were killed. On September 21, in Kabezi commune, Bujumbura Rural Province, 1 child was killed and 40 civilians were injured during an army attack against FNL rebels.

Landmines placed by government or rebel troops continued to result in civilian deaths and injuries. There were reports that the Government continued to lay landmines during the year. According to League Iteka, on June 22 in Rusengo, Ruyigi Province, one person was killed and two were injured when their bus struck a landmine. In a similar incident on July 16, one person was killed and two were injured when their van struck a landmine.

Rebels killed, beat, and stole from civilians, and kidnapped and raped women (see Section 1.b.).

Rebel forces killed numerous civilians during the year and committed serious abuses against the civilian population. Hutu rebels killed Hutu and Tutsi civilians; Hutu rebels sometimes deliberately targeted and killed Tutsis. There are no definitive statistics available on how many persons were killed by Hutu rebels. The Government stated that rebels were responsible for the majority of civilian casualties. There were no reports that rebel forces prosecuted or punished any members of their groups who were responsible for the abuses.

Rebels also killed a priest, administrative leaders, a journalist, and civilians suspected of collaborating with the Government (see Sections 1.a. and 2.c.). For example, on May 7, in the town of Kazirame, Bujumbura Rural Province, FNL rebels reportedly killed 10 civilians for allegedly collaborating with the national army. On June 14, in Cibitoke Province, FNL rebels reportedly killed 13 civilians in a roadside ambush. On August 7, rebels attacked the Kabezi commune and killed 20 persons. On October 8, in the town of Ruyigi in Ruyigi Province, FDD rebels killed 2 administrative leaders; and on October 10, in the town of Ngeru, they killed another administrative leader. No action had been taken against any of the perpetrators by year's end.

Rebel forces reportedly often killed persons for their refusal to pay "taxes" to rebels. There were numerous reports during the year that Hutu rebels ambushed minibuses carrying persons on national highways, and robbed and killed the occupants. U.N. security forces reported numerous ambushes during the year; however, no exact figure was available.

In 2001 there also were numerous cases in which rebel forces ambushed vehicles.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press



The Transition Constitution does not impose restrictions on the media; however, the Government restricted freedom of speech and of the press. A press law requires that newspaper articles undergo review by a government censor 4 days before publication. The Government controlled the media and harassed and detained journalists. Journalists practiced self-censorship.

The Government restricted freedom of speech during the year; however, unlike in the previous year, there were no reports that security forces arrested persons for making false statements.

Unlike in the previous year, the Government did not interrogate NGO employees.

The Government controlled much of the news, since it owned the only regularly published newspaper and the major radio and television stations. The government-owned newspaper *Le Renouveau* was published three times a week. The one opposition newspaper, *La Lumiere*, ceased publication in March 2001 after it published lists of colonels, their hometowns, and their ownership shares in parastatal companies; the owner received threats from unknown persons and as a result decided to cease publishing (see Section 1.d.). Political tracts circulated, and two private faxed newsheets, *Azania* and *NetPress*, were published almost daily and represented mainly Tutsi political viewpoints. In February the Government banned *Netpress*, claiming that it imposed the ban to defend professional journalistic standards; other reports charged that the Government disagreed with the content of the publication. The ban was lifted on February 22.

On March 16, the Government suspended *Azania* for 1 month, and accused it of plagiarizing stories.

On July 31, the Government banned the newspaper *PanAfrika* for publishing "extremist and subversive" material regarding the dismissal of Mathias Hitimana, the former Minister of Energy and Mines.

The Government and its security forces harassed journalists, questioned and detained them, and searched and seized their property. On March 7, the Government arrested journalist Aloys Niyoyita, who was beaten before being released without charge after 4 hours in custody.

The government-owned radio broadcast in the Kirundi language, French, and Swahili, and offered limited English programming. The independent radio station, *Radio Bonesha*, formerly *Umwizero*, continued its broadcasts in French, Kirundi, and Swahili, and the independent station *Radio Public Africa (APR)* broadcast in French, Kirundi, and Swahili; both stations received funding from international donors. Listeners could receive transmissions of the British Broadcasting Corporation (BBC), the Voice of America, and *Radio France Internationale*. Citizens were allowed to work as local stringers for foreign news organizations and filed reports regularly. Due to widespread poverty and limited literacy, radio remained the most important medium of public information.

The Government remained very sensitive to reporting on the country's internal conflict, and continued to threaten independent radio stations with shutdown if they disseminated reports that contradicted the official line.

On May 15, APR broadcast journalist Alexis Sinduhije was summoned to appear before a committee composed of the chief of intelligence and the Ministers of Defense, Interior, and Communications. Sinduhije was accused of compromising a defense secret by broadcasting a story about a national defense operation under preparation. The National Communications Council subsequently warned journalists to respect defense secrets, broadcast only truthful information, and respect the private lives of citizens.

On May 16, the National Communications Commission issued an order prohibiting APR from broadcasting interviews with rebel leaders or reporting further on the November 2001 murder of Dr. Manlan, the country director for WHO (see Section 1.a.). On June 1, five APR journalists were summoned to appear before the Prosecutor General and admonished for reporting on Manlan's murder; however, no further action was taken against the journalists.

On July 8, the National Radio and Television station (RTNB) banned the airing of a report on the return of former President Bagaza.

In July the Government threatened the manager of *Radio Bonesha* after it broadcast a story concerning cease-fire talks between the Government and rebels. He increased his self-censorship after the incident.

On August 28, APR ceased broadcasting after the Government Communication Control and Regulation Agency on August 23 began jamming its broadcasts due to unpaid fees; APR resumed broadcasting on September 3.

On August 28, RTNB reported that the National Communications Council issued an order prohibiting websites from containing propaganda against the Government or information against the cause of peace and reconciliation.

No laws or regulations limit academic freedom, and no action was taken against persons at the University of Burundi for what they published or said. Staff and students at the university remained primarily ethnic Tutsi, and tensions have flared occasionally between Hutu and Tutsi students on campus, where politically and ethnically motivated killings occurred in 1995 and 1996.

Authorities used excessive force to disperse student demonstrations, resulting in deaths and injuries (see Section 2.b.).

On August 5, journalist Amissi Bizimana was killed in crossfire between government forces and FNL rebels.

#### b. Freedom of Peaceful Assembly and Association

The Transition Constitution permits political demonstrations; however, the Government restricted freedom of assembly. Government permits were required for public meetings and demonstrations, and applications routinely were routinely denied to groups that criticized or opposed the Government.

On March 4, gendarmes reportedly beat a member of the Banyamulenge tribe during a protest march outside the offices of the U.N. High Commissioner for Refugees (UNHCR).

On May 2, Diomede Rutamucero, leader of the pro-Tutsi PA-Amasekanya party, and six other persons were arrested outside of the National Assembly, where they were protesting proposed legislation that would give provisional immunity to politicians accused of committing genocide. The six demonstrators were released shortly thereafter; Rutamucero was held for 5 weeks before being released. On May 16, outside the office of the Prosecutor-General, security forces forcibly dispersed demonstrators protesting Rutamucero's detention. On September 1, Rutamucero was rearrested while jogging with four PARENA members, who also were arrested. All were fined and released after 4 days in custody.

Unlike in the previous year, there were no arrests of individuals for organizing unauthorized demonstrations.

Security forces used excessive force to disperse demonstrations during the year, which resulted in deaths and injuries; no action was taken against the responsible parties. For example, on May 23, in Bujumbura, Gitega, and Matana, gendarmes opened fire on students demonstrating in support of a countrywide teachers union strike; two students were killed and several were injured. On April 28, police reportedly shot and killed one student during a demonstration of the Youth Association for Rebuilding a Destroyed World.

No action was taken against security forces responsible for the violent dispersal of demonstrations in 2001, including the May beating of representatives of the G-8 Tutsi parties.

Unlike in the previous year, the Government did not ban meetings by mainly Tutsi groups critical of government policy and the peace process.

The Government restricted freedom of association and arrested members of organizations and political parties (see Section 1.d.). Private organizations were required to present their articles of association to the Ministry of Interior for approval, a process that could take years if the Government disliked the organization. The Transition Constitution permits political parties to operate; however, the Government placed restrictions on groups that criticized its policies.

Following the November 2 house arrest of PARENA party leader Bagaza, the Interior Minister on November 7 suspended the PARENA party for 6 months.

#### c. Freedom of Religion

The Transition Constitution provides for freedom of religion, and the Government generally respected this right in practice. There was no state religion; however, the Catholic Church, which represented approximately 60 percent of the population, was predominant.

The Government required religious groups to register with the Ministry of Internal Affairs, which kept track of their leadership and activities. The Government required that religious groups have a headquarters in the country.

On August 5, FDD rebels in Kigihu, Rutana Province, reportedly killed parish priest Peter Tondo.

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Immigration, and Repatriation

The Transition Constitution provides for these rights; however, the Government restricted them in practice. There was a government-imposed curfew in parts of the country; in Bujumbura the curfew began at 11 p.m. and ended at 5 a.m.

During April and May, in Ruyigi Province, the Government forcibly regrouped more than 30,000 civilians into camps. Humanitarian groups were denied access, and the movement of camp residents was restricted (see Section 1.f.).

The Government cited insecurity in rural areas in denying access to some areas of the country to human rights observers (see Section 4).

The majority of citizens could travel legally in and out of the country. Travel within the country was possible but could be hazardous in areas of rebel activity, particularly in parts of Bujumbura Rural, Bururi, Rutana, Ruyigi, and Makamba Provinces. Rebel attacks on buses and minibuses throughout the year resulted in numerous deaths and injuries.

According to UNHCR, more than 387,000 IDPs lived in 212 sites at year's end, which represented approximately 5 percent of the total population. Many were Tutsis who fled to other parts of the country in 1993 because of ethnic violence and never returned home. Soldiers generally did not restrict the movement of residents of IDP camps and provided a measure of protection to camp inhabitants; however, security forces prevented access by international humanitarian aid agencies to some of the IDPs in remote sections of Bujumbura Rural and Ruyigi Provinces. There were no reports of abuses committed against IDPs during the year. Camp inhabitants often were required to perform labor for the soldiers without compensation (see Section 6.c.).

Approximately 200,000 IDPs lived outside displacement sites and stayed with friends, families, or on their own, beyond the reach of aid programs. Some persons who remained outside the sites reportedly were killed by the armed forces on suspicion of collaborating with the rebels and by Hutu rebels allegedly for collaborating with authorities (see Section 1.a.).

The law does not provide for the granting of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention on the Status of Refugees and its 1967 Protocol; however, there was a special ad hoc administrative body in the Government that coordinated refugees, and the Government cooperated with the UNHCR and other humanitarian organizations assisting refugees. The Government has granted first asylum in recent years. Approximately 27,000 citizens of the DRC lived in the country; 3,800 were registered with the UNHCR. Approximately 1,000 Rwandan refugees remained in the country during the year.

According to the U.N., more than 370,000 Burundian refugees, most of them Hutus, remained in Tanzania. Estimates of "old caseload" refugees--many of whom fled as early as 1972 or following the October 1993 assassination of former president Ndadaye--ranged from 200,000 to 400,000. Such refugees were not assisted by UNHCR and therefore not encamped under UNHCR auspices in the system of camps in Western Tanzania. Estimates of the total number of Burundians living in Tanzania at year's end ranged from 570,000 to nearly 800,000. More than 23,000 additional refugees, most of them Hutu, were in Angola, Cameroon, the DRC, the Republic of the Congo, Kenya, Malawi, Rwanda, and Zambia.

By year's end, approximately 115,000 Burundian refugees had registered to repatriate from Tanzania; UNHCR had facilitated approximately 31,100 voluntary repatriations. However, this was offset by the arrival of 30,000 new refugees and the birth of 10,000 to 20,000 children in the camps. During the last 6 months of the year, repatriation slowed due to an increase in fighting. Many of the 30,000 new Burundian refugees had voluntarily repatriated earlier in the year to areas that later became unstable again.

On January 18, members of the Banyamulenge tribe were deported to Rwanda.

There were no other reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. The Transition Constitution makes no specific provision for elections. The 1992 Constitution and 1994 Convention of Government were suspended by the Buyoya military regime that assumed power in July 1996, in a bloodless coup. On that date, the regime dissolved the National Assembly and banned political parties. Approximately 3 weeks later, President Buyoya announced the restoration of the National Assembly and political parties with certain restrictions. The opposition party, FRODEBU, which was mostly ethnic Hutu, holds just over half of the National Assembly seats. On November 1, 2001, President Buyoya was sworn in as president for the first 18 months of the 3-year transitional period.

In April 1998, multiparty peace talks began in Arusha, Tanzania, and the Government subsequently launched an internal peace process. In June 1998, Buyoya's regime and the National Assembly entered into a partnership agreement. The National Assembly adopted the Transition Constitution and a transition political platform. The Transition Constitution changed the structure of government by eliminating the post of prime minister, creating one vice president, removing the National Assembly Speaker from the line of presidential succession, and enlarging the National Assembly. The Transition Constitution placed no time limits on the President's or the National Assembly's term of office.

In August 2000, the Buyoya regime and other negotiating parties present at the peace talks signed a peace agreement, which was ratified by the National Assembly in November 2000. The peace agreement instructs the country's next transitional government to hold local, national, and presidential elections within a 3-year period, and to oversee elections for a newly formed Senate; however, this agreement was not implemented fully by year's end. Representation of both Hutus and Tutsis in institutions, including the army, the National Assembly, and the Senate, was a key component of the agreement.

In July 2001, President Buyoya and the regional leaders signed an agreement to begin the 3-year transition period on November 1, 2001. On November 1, 2001, Buyoya was sworn in as President and Domitien Ndayizeye, the secretary general of FRODEBU, was sworn in as vice president. Under the agreement, they will each serve for 18 months; the G-7 Hutu parties will then select a president, and the G-10 Tutsi parties will select a vice president. All future presidents will be elected by universal suffrage. The Vice President and 14 of the 26 cabinet ministers were members of the G-7 Hutu-based political parties. The cabinet also included 12 Tutsis. Progovernment ethnic Tutsis served as Ministers of Defense and Foreign Affairs.

The transitional political platform endorsed in general terms the restoration of democracy and correction of the ethnic imbalance within the army and the judicial system. It called for the creation of an international tribunal to try crimes of genocide. Although the peace accord also provides for a commission of inquiry on genocide as well as a National Truth and Reconciliation Commission to investigate other crimes, the agreement was not implemented fully, and no commissions were created by year's end.

Under the 1992 Constitution, deposed President Ntibantunganya would have remained in office until 1998. The last elections to fill the National Assembly took place in June 1993. The Transition Constitution stipulates that the National Assembly shall consist of 121 parliamentarians: Those elected in 1993 who sat in the previous National Assembly, plus 40 new members, 28 members of civil society appointed by the President, and 1 representative each (selected by their respective parties) from all 12 officially recognized political parties not previously represented. Not all of those elected in 1993 were alive or in the country, and the vacant seats were filled by substitutes from the same political party as the original parliamentarian. Tutsi supporters of the Government filled 22 of the 40 new seats.

The National Assembly has nominal budgetary oversight, but the Council of Ministers legally can enact a budget if the National Assembly fails to do so. The Transition Constitution gives the President the authority to declare a state of emergency by decree after consulting with the National Assembly Speaker, the Constitutional Court, and the National Security Council, which has not been convened since 1996.

Political parties operated under significant constraints; however, unlike in the previous year, the Government did not ban meetings of groups critical of government policy and the peace process. Police often prevented or disrupted political demonstrations and arrested opposition politicians (see Sections 1.d. and 2.b.).

There were no laws that restricted the participation of women in the political process. There were 17 women in the 185-seat National Assembly and 10 women in the 53-seat Senate. Of the 26 cabinet seats, women filled 4: The

Minister of Social Affairs; the Minister of Reintegration of Refugees; the Minister of Development, Planning and Reconstruction, and the Minister at the Presidency for HIV/AIDS. Two of the nine members of the Supreme Court were women, as were three of the seven Constitutional Court members, including its president.

There were no laws that restricted the participation of minorities in the political process. Approximately 1 percent of the population was Twa (Pygmies), but there were no Twa in the Cabinet. One Twa was an appointed member of the National Assembly, and two were members of the Senate.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights groups received varying degrees of cooperation from government ministries. The local human rights group, League Iteka, continued to operate and publish a newsletter. Human Rights Watch maintained an office in the country. The U.N. Special Rapporteur for Human Rights visited twice during the year. The office of the UNHCR maintained a three-person observer team in the country.

The Government cited insecurity in rural areas in denying access to journalists, international relief workers, and human rights observers to some areas of the country (see Section 2.d.). Army elements in the field frequently denied access to human rights observers to areas where the army was accused of human rights violations. Human rights NGOs frequently were unable to investigate reports of killings because of these restrictions. Many areas of the country, particularly near Bujumbura, near the border with the DRC, and near the border with Tanzania, remained off limits for normal operations.

Unlike in the previous year, there were no reports that the army interrogated NGO employees.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Transition Constitution provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, or opinion; however, the Government failed to implement effectively the Transition Constitution's provisions, and discrimination persisted. The Tutsi-dominated government and army discriminated against the Hutus. Discrimination against persons with disabilities was a problem.

##### Women

Domestic violence against women was pervasive; however, inadequate data made it impossible to quantify. Wives had the right to charge their husbands with physical abuse, but they rarely did so. Police normally did not intervene in domestic disputes, and the media rarely reported incidents of violence against women. The law does not specifically prohibit domestic violence; however, persons accused of domestic violence could be tried under assault provisions of the law. No known court cases have dealt with the abuse of women. The Government rarely investigated such cases, and prosecutions were rarer still. According to League Iteka, women were beaten by their husbands, forced out of their homes, denied basic food necessities, and denied freedom of movement.

The law prohibits rape, which is punishable for up to 20 years' imprisonment. Rebel forces raped women during the year (see Section 1.g.).

Prostitution was a problem. According to the Women's Commission for Refugee Women and Children, the ongoing conflict has forced many women into prostitution to feed their children. Increased prostitution has contributed to the growing incidence of HIV/AIDS.

Women faced legal and societal discrimination. Discriminatory inheritance laws and credit practices continued. By law women must receive the same pay as men for the same work, but in practice they did not. Women were far less likely to hold mid-level or high-level positions. In rural areas, women traditionally performed arduous farm work, married and had children at an early age, and had fewer opportunities for education than men.

Several local groups work in support of women's rights, including the Collective of Women's Organizations and NGOs of Burundi and Women United for Development.

##### Children

The law provides for children's health and welfare, but the Government could not satisfy adequately the needs of

children and, in particular, of the large population of children orphaned by the violence since 1993 and by HIV/AIDS. Many of the victims in the civil war were children, and many children have lost family members and witnessed violence.

More than a quarter of the primary schools have been destroyed in the war, and many teachers have been killed. Teacher training has been interrupted, and it was difficult to find qualified teachers to work in the provinces most affected by fighting. The Government provided elementary education at nominal cost through grade six; however, inequitable distribution of educational resources favored those children in southern and central areas of the country, according to International Alert, an international NGO. Education was not compulsory. Approximately one-third of primary school-aged children attended school in 1999; less than 9 percent of children aged 13 to 19 years attended school.

According to the Women's Commission for Refugee Women and Children, school attendance rates for girls were well below school attendance rates for boys, and girls comprised only 44 percent of primary school students and 30 percent of secondary school students. Female illiteracy was a problem. Only 22 percent of women were literate compared to 46 percent of men. Only 25 percent of university students were women.

Unlike in the previous year, there were no reports that rebels abducted children and teachers during the year; however, on July 8, an FDD rebel bombardment of Ruyigi destroyed a school.

The ongoing conflict and increasing prevalence of HIV/AIDS has increased the number of orphans, which has resulted in an increase in the number of street children. Child prostitution was a problem (see Section 6.f.).

The minimum age for military service was 18, but observers believed that there were some children below that age in the military. Children continued to serve in the armed forces, and the U.N. Special Representative reported in December that both the Government and rebel groups continued to recruit child soldiers. There also were credible reports that the Guardians of the Peace recruited children to provide a quasi-police presence in public places such as markets; some of these children reportedly were sent to the front lines. In 2001 the National Assembly voted in favor of the ratification of the Additional Protocol Against Child Soldiers. The President has the authority, with the approval of the National Assembly, to issue a decree ratifying the Protocol and to transmit an instrument of ratification; however, there was no information on whether the decree had been issued or whether the Government deposited its instrument of ratification of the Protocol.

#### Persons with Disabilities

The Government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. Discrimination against persons with disabilities was a problem. There were few job opportunities for persons with physical disabilities in the country because most jobs involved significant manual labor.

#### Indigenous People

The Twa (Pygmies), who were believed to be the country's earliest inhabitants, comprised approximately 1 percent of the population and generally remained marginalized economically, socially, and politically (see Section 3). Most Twa lived in isolation, without formal education, and without access to government services including health care.

#### National/Racial/Ethnic Minorities

The principal national problems continued to be ethnic conflict between the majority Hutus and the minority Tutsis and the regional inequities between southern Bururi Province and much of the rest of the country. Almost 4 decades of violence and systematic societal discrimination have exacerbated the genocide and exclusion fears of both Tutsis and Hutus. Tutsis claimed to have been the targets of genocide carried out in 1993 by Hutus angered by the assassination of democratically-elected Hutu president Ndadaye. The Tutsis, particularly southern Tutsis, historically have held power, and they dominated educated society and controlled the security forces. In 1996 Major Pierre Buyoya, a southern Tutsi, deposed President Ntibantunganya, a central Hutu, in a coup.

#### State dis